

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**DEBORAH WILLIAMS, as personal
representative of the Estate of
FREDDIE NEELY, Jr., Deceased,**

Plaintiff(s),

**CASE NUMBER: 06-10427
HONORABLE VICTORIA A. ROBERTS**

v.

CITY OF FLINT, et al.,

Defendant(s).

**ORDER GRANTING DEFENDANT
FLINT POLICE DEPARTMENT'S MOTION
TO DISMISS**

This matter is before the Court on Defendant Flint Police Department's ("Flint PD") Motion to Dismiss. Defendant brings this motion, pursuant to F.R.C.P. 12(b)(6), to dismiss the multiple constitutional violations alleged against it in Count I of Plaintiff's complaint. Defendant argues that Plaintiff failed to state a claim because a police department is not a legal entity against which suit can be brought. Plaintiff did not file a response to Defendant's motion.

Defendant is correct. A police department is merely an agency of the city it serves. See *Haverstick Enterprises, Inc. v Financial Federal Credit Union, Inc.*, 32 F.3d 989, 991 n.1 (6th Cir. 1994); *Laise v Utica*, 970 F.Supp. 605, 608 (E.D. Mich. 1997); *Pierzynowski v Police Dept. City of Detroit*, 941 F.Supp. 633, 637 n.4 (E.D. Mich. 1997); *Adams v City of Marshall*, 2005 W.L. 3556146, *2 (W.D. Mich. 2005); *McPherson v*

Fitzpatrick, 63 Mich. App. 461, 463-464 (1975). Therefore, the City of Flint is the real party in interest. *Id.* Defendant Flint PD's motion for summary judgment is **GRANTED**.

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: April 7, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 7, 2006.

S/Carol A. Pinegar

Deputy Clerk